

# **Continuous Improvement Monitoring Process**

## **Report on the Implementation of Virginia's State Special Education Program Improvement Plan**

**Submitted to USDOE, Office of Special Education Programs**

**November 24, 2003**

Virginia's report to OSEP, dated June 30, 2003, outlined the components of the agency's monitoring systems that ensure the identification and timely correction of noncompliance. This report provides an update as of November 1, 2003, on noncompliance findings identified from monitoring activities. It also identifies several research-based initiatives, which have been implemented to improve provisions for a free appropriate public education for students with disabilities in the least restrictive environment. These initiatives are designed to improve access to the general education curriculum and outcomes for students with disabilities.

### **General Supervision**

#### **Compliance Issue #1 -- Responsibility for all educational programs**

**Timely correction of noncompliance identified through monitoring and enforcement action when necessary**

- ❑ The VDOE's Office for Federal Program Monitoring (FPM) continues to ensure timely correction of identified noncompliance findings, evidenced by a tracking system that documents follow-up activities. (Tracking logs for the reviews that were conducted from 1998-2003 were provided to OSEP in the report of June 30, 2003.) The monitoring staff continues to work with one of 22 LEAs that was monitored in 2001-2002 to ensure effective change. Another onsite follow-up review is scheduled in December 2003.
- ❑ Of the 22 LEAs visited in 2002-2003, each LEA has corrected the identified deficiencies, except five LEAs that were reviewed in the spring. Those LEAs are in continuous monitoring for program improvement and effective change. The Office of FPM follows up with each LEA to obtain monthly progress reports.
- ❑ Verification of compliance is evidenced by LEA's documentation submitted to the agency and onsite follow-up reviews to 85% of the LEAs found in noncompliance. Follow-up reports are on file in the Office of FPM.

Status of compliance: The specific deficiency as identified through the CIMP self-assessment has been corrected.

## **Compliance Issue #2 -- Timely correction of noncompliance as required by due process hearings and complaint decisions**

[Note: On July 1, 2003, the Office of Due Process and Complaints became the Office of Dispute Resolution and Administrative Services, incorporating mediation services, complaints, due process hearings, and annual plan systems.]

The Office of Dispute Resolution and Administrative Services (DR/AS) has continued to follow the initiatives reported to OSEP in VDOE's June 30, 2003 report. The office continues to implement the procedures, tracking logs, and electronic templates that were provided to OSEP.

### **Complaints System**

- ❑ In 2001-2002, ninety-eight (98) corrective action plans (CAPS) were issued. Follow-up activities ensured compliance and closure with 82 CAPS. Sixteen (16) of the CAPS required additional monitoring activities in this current fiscal year. Expected closure date for all 16 CAPS is on or before December 31, 2003.
- ❑ In 2002-2003, sixty (60) CAPS were issued. One additional case is held in abeyance due to litigation following due process. The issues in the complaint are the same in the due process case now in litigation. Follow-up activities ensured compliance and closure with eight CAPS. Fifty-two (52) CAPS are pending follow-up activities. Anticipated completion dates will occur during the 2003-2004 fiscal year.

**Status of Compliance:** The specific deficiency as identified through the CIMP self-assessment has been corrected.

### **Due Process System**

- ❑ In 2002-2003, ninety-six (96) Implementation Plans (IPs) were required. Four additional cases are pending completion of the hearing process and will require IPs. Follow-up activities ensured compliance and closure of 15 IPs. Follow up activities for 81 IPs are pending. Anticipated completion date will occur during the 2003-2004 school year.
- ❑ In 2003-2004, forty-one (41) IPs have been required during the first four months of this fiscal year. Eighteen (18) additional cases are pending completion of the hearing process and will require IPs.

**Status of compliance:** The specific deficiency as identified through the CIMP self-assessment has been corrected.

**Compliance Issue #3 -- Due process hearing decisions are reached within 45 days**

- ❑ The Office of DR/AS issued recertification letters to 44 hearing officers on September 11, 2003.
  - 32 received full recertification status
  - 10 received recertification with warning, 3 due to issues related to the timelines
  - 2 received recertification with an advisory note. Both were related to timelines with a note that this did not occur with subsequent cases.
- ❑ The Office of DR/AS required two hearing officers to attend a specialized training given by VDOE in October 2003 on issues related to the regulations and management of the hearing process, including adherence to the regulatory timeline.
- ❑ No hearing officer has violated the 45-day timeline requirements in the 41 cases for the current fiscal year of 2003-2004.
- ❑ The Office of DR/AS has requested the Regional Resource Centers, via Mid-South Regional Resource Center, to obtain information from other SEAs regarding policies, procedures, and practices relative to the 45-day timeline. This activity is intended to be part of a guidance document for hearing officers on this issue.

Status of Compliance: The specific deficiency as identified through the CIMP self-assessment has been corrected.

**Compliance Issue #4 -- Responsibility for all educational programs**

**Monitoring of special education programs for eligible youth with disabilities in juvenile and adult correctional facilities, private residential and day schools, and state-operated programs.**

The Office of FPM continues to ensure on-site monitoring and timely follow up to verify correction of identified deficiencies in juvenile correctional and detention facilities, adult correctional facilities, private residential schools, and private special education day schools. Documentation submitted to OSEP in June 2003 included the 2001-2002 and 2002-2003 monitoring schedules of these programs and dates of the monitoring reports. Monitoring schedules for 2003-2004 are now being implemented.

Clarification concerning this issue was provided to OSEP in VDOE's report dated June 30, 2003.

Status of Compliance: The specific deficiency as identified through the CIMP self-assessment has been corrected.

**\*Free Appropriate Public Education in the Least Restrictive Environment**

**[Note: The VDOE has implemented several initiatives to improve the delivery of services to students with disabilities in the LRE (see attachment).]**

**Compliance Issue #5 – The provision of extended school year services is available across all categories and severities of disabilities**

- ❑ The Office of FPM has ensured timely correction of all deficiencies identified through monitoring activities regarding extended school year services in all LEAs that were cited during the last five years, (1998 through 2003). Since 2000, only one LEA was found in noncompliance for not providing ESY services across all categories and severities of disabilities; however, citations were issued for other reasons associated with the requirement (see June 30, 2003 report to OSEP). The Office of FPM conducted on-site monitoring in seven LEAs in October 2003 and determined that each LEA was providing ESY across all categories and severities of disabilities. The monitoring staff continues to work with three LEAs to ensure effective change.
- ❑ In 2000-2001, the Office of DR/AS required one LEA to implement a corrective action plan and assisted four LEAs in early resolution regarding ESY issues. In 2001-02, the Office of DR/AS assisted four LEAs with early resolution of complaints regarding extended school year services and required corrective action plans of four LEAs. In 2002-2003, the Office of DR/AS required three LEAs to implement corrective action plans.

Status of compliance: The specific deficiency as identified through the CIMP self-assessment has been corrected.

**Compliance Issue #6 – A continuum of placement options must be provided**

- ❑ In 2000-2001, four out of 22 LEAs visited were found in noncompliance; in 2001-2002, five out of 22 LEAs visited were found in noncompliance; and in 2002-2003, one out of 21 LEAs visited were found in noncompliance. The Office of FPM visited seven LEAs in October 2003 and determined that each LEA provided a continuum of placement options.
- ❑ The monitoring staff continues to monitor one LEA that was reviewed in the 2000-2001 school year, one LEA that was monitored in 2001-2002; and one in 2002-2003. These LEAs are being monitored to ensure continuous improvement and effective change.

Status of compliance: The specific deficiency as identified through the CIMP self-assessment has been corrected.

### **Compliance Issue #7 – Functional behavioral assessments and behavior plans for students with disabilities who require them**

In 2000-2001, three out of 22 LEAs visited were found in noncompliance with the requirement: in 2000-2001, 0 out of 22 visited were found in noncompliance: and in 2002-2003, one out of 22 LEAs visited was found in noncompliance. Timely corrections of deficiencies were verified through onsite follow-up reviews; the monitoring staff continues to work with one LEA to ensure effective change and continuous improvement. Seven LEAs were visited in October 2003; each LEA was found in compliance with the requirement.

Status of compliance: The specific deficiency as identified through the CIMP self-assessment has been corrected.

### **Compliance Issue #8 – Conducting timely evaluations and reevaluations**

#### Part B Students

- ❑ Of the 22 LEAs visited in school year 2002-2003, The Office of FPM continues to work with two of seven LEAs that were found not meeting the state's 65-day timeline for evaluations and reevaluations. Those two LEAs are required to make monthly progress reports to the Office of FPM. Both LEAs have shown significant improvement.
- ❑ Of the seven LEAs visited in October 2003, each LEA is conducting timely evaluations and reevaluations.

#### Part B Preschoolers Transitioning from Early Intervention

- ❑ Beginning March 1, 2003, VDOE revised the state's monitoring procedures to effectively determine whether LEAs were meeting the requirement regarding timely evaluations for children with disabilities who are transitioning from early intervention to Part B.
- ❑ Eleven LEAs were visited between March 1, 2003 and June 6, 2003. It was determined that each LEA conducted timely evaluations of transitioning preschoolers.
- ❑ Of the seven LEAs visited in October 2003, each LEA is conducting timely evaluations.

Status of compliance: For Part B preschoolers transitioning from early intervention, the Office of FPM has not collected significant data to verify compliance with timely evaluations. This task will be completed by June 2004. For other Part B students, the specific deficiency as identified through the CIMP self-assessment has been corrected.

## **Secondary Transition**

### **Issue #9 – Content of IEP; transfer of rights**

The Office of FPM has ensured timely correction of all deficiencies identified through monitoring activities regarding transfer of rights. Of the 22 LEAs visited in 2000-2001, three were found in noncompliance; of the 22 LEAs visited in 2001-2002, 0 were found in noncompliance; of the 22 visited in 2002-2003, 0 were found in noncompliance. Of the seven LEAs visited in October 2003, there were no deficiencies identified.

Status of compliance: The specific deficiency as identified through the CIMP self-assessment has been corrected.

## **Parent Involvement**

### **Issue #10 – Procedural safeguards**

VDOE provided clarification on this issue in its report dated June 30, 2003. No LEA has been found in noncompliance since our Office of Special Education revised the state procedural safeguards documents and issued a directive to LEAs in March 2001.

Status of compliance: The specific deficiency as identified through the CIMP self-assessment has been corrected.

## Technical Assistance

### Virginia's Initiatives/Projects for Continuous Improvement in Special Education

The VDOE has implemented several initiatives that provide support to students, parents, teachers, and administrators to improve the delivery of services to students with disabilities in the least restrictive environment. The primary objectives are to provide students with disabilities greater access to the general education curriculum in the least restrictive environment and to improve their academic performance.

<b>Project</b>	<b>Description</b>
Academic Review	Increase staff participation and follow-up technical assistance for school academic reviews and coordinate network of specialists to assist schools needing to improve achievement of students with disabilities.
Alternate Assessment	Provide instructional resources for students with significant disabilities as well as implement training and technical assistance for school staff and parents on the state's alternate assessment.
Assistive Technology Task Force	Using statewide survey data, the Assistive Technology (AT) task force will plan to conduct coordinated training and technical assistance on the need for, and use of, AT with a focus on access to the general curriculum and support for including students with disabilities in general classrooms and community settings.
Autism	The VDOE and T/TACs, as part of the state's Autism Planning Council, will coordinate information and training for personnel in schools and the communities serving children with autism spectrum disorders and their families.
Early Transition & Preschool	Provide training and technical assistance for personnel working with toddlers who transition from early intervention to special education that demonstrate effective practices in early childhood education. The Council for Exceptional Children Division for Early Childhood's recommended practices, which foster students with disabilities' interaction with their non-disabled peers, will serve as a basis for these activities.
Enhanced SOL Scope & Sequence	To provide resources that will assist elementary, middle, and high school teachers in the delivery of Standards of Learning (SOL) content to students using differentiated instructional techniques and technology.
Instructional & Learning Strategies Blueprint	Establish coordinated, statewide training to improving literacy for students with disabilities that will enable them to be successful in learning the Standards of Learning (SOL) content. A continuum of literacy techniques based on current research will be one of the primary approaches in the design of a blueprint for this training and technical assistance.

Instructional Support Team Sites	Establish Instructional Support Team (IST) sites in each of the 8 regions to use as model programs for enhancing, improving, and increasing student and personnel performance. Provide support and intensive training and technical assistance to each site.
Parent Involvement	Provide for increased activities for special education training and technical assistance for parents and local Parent Centers.
Positive Behavior Support	Provide for training and technical assistance to schools on the use of the Positive Behavior Support model to address a systematic approach to positive practices to decrease inappropriate student behavior.
Reading First Initiative	Provide reading, training and technical assistance with a focus on needs of special education teachers, linking with Virginia's Reading First project.
Middle/Secondary Initiative	Examine all aspects of middle and high school education for students with disabilities.
Secondary Transition Outcomes Project	Establish a coordinated, statewide approach to improving transition services for secondary students with disabilities. Provide training and technical assistance to local school personnel in self-assessing their Individualized Education Program (IEP) process to meet the federal and state requirements, as well as help students achieve their desired post school outcomes.

**Other initiatives:**

- Focus monitoring. Virginia is restructuring its monitoring process to a “focus monitoring and continuous improvement” model for implementation in the 2004-2005 school year. Least restrictive environment is a primary focus. School divisions where the greatest concern is identified according to the data will be targeted for comprehensive focused reviews to determine specific causes of the problem.
- Cultural competency training. Statewide training on cultural competency awareness, knowledge, and skills development is being offered to teachers, support personnel, and administrators. Curriculum materials, *A Curriculum and Pedagogy for Cultural Competence: Knowledge, Skills and Dispositions Needed to Guide the Training of Special and General Education Teachers* and a resource guide have been developed and



will be made available to teacher preparation programs and school curriculum specialists. Materials will also be posted on VDOE's Web site.

- New Position. A new position, student services specialist, has been established to provide statewide leadership and technical assistance to reduce disproportionality in special education. Virginia had a team of six individuals to attend NCCRESt's technical assistance meeting for the Mid-South Region states on November 2-3, 2003. The meeting focused on developing technical assistance plans to reduce disproportionality in special education and close the achievement gap.